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August 3, 2021

BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
40 Foley Square, Room 906
New York, New York 10007

      Re: *City of Almaty, Kazakhstan, et ano. v. Mukhtar Ablyazov, et al.*,
           Case No. 15 Civ. 5345 (AJN) (KHP)

Dear Judge Nathan:

      We represent BTA Bank JSC and write jointly on behalf of Triadou SPV S.A. to respectfully request that the Court decide the parties' respective *Daubert* motions. [ECF Nos. 1274, 1277, 1299, 1305, and 1308.]

      As the Court will recall, the parties filed and fully briefed *Daubert* motions in this case. On March 29, 2021, however, the Court issued an order calling for briefing on whether the trial in this case (now scheduled to commence in February 2022) should be to a jury or the bench. The Court noted that in bench trials, "courts in this district will often defer consideration of the admissibility of expert testimony and hear that testimony at trial," and so administratively denied without prejudice the parties' motions to preclude expert testimony. [ECF No. 1421 at 1–2 (administratively denying motions at ECF Nos. 1274, 1277, 1299, 1305, 1308)]. The Court also denied the parties' letter motions regarding oral argument as moot. [*Id.* (denying motions at ECF Nos. 1311, 1387)].

      After receiving briefing, the Court issued an order on May 20, 2021, agreeing that at least "BTA's claims for conversion and unjust enrichment should be tried to a jury." [ECF No. 1451 at 2]. Because there will be a jury trial in this case, the parties respectfully request that the Court decide their motions to preclude expert testimony at ECF Nos. 1274, 1277, 1299, 1305, and 1308. The parties agree that no further briefing on those motions is necessary unless it would be helpful to the Court, but are available for oral argument if it would be helpful. [*See* ECF Nos. 1311, 1387].

      Thank you for your consideration of this request.

           Respectfully,

           /s/ Matthew L. Schwartz
           Matthew L. Schwartz